

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

21-CR-6128-CJS

JOSHUA VANDERVOORT,

Defendant.

**STATEMENT OF THE GOVERNMENT WITH RESPECT
TO SENTENCING FACTORS**

PLEASE TAKE NOTICE, the government has fully reviewed the Presentence Investigation Report ("PSR") submitted by the United States Probation Department on November 1, 2021, and has no objections thereto.

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1(b).

Pursuant to the plea agreement, it is the understanding of the government and the defendant that, with a total offense level of 27 and criminal history category of I, the defendant's sentencing range is a term of imprisonment of 70 to 87 months, a fine of \$25,000 to \$250,000, and a period of supervised release of 5 years to life. Respectfully, based upon

the factors discussed in the PSR and the plea agreement, the government asks the Court to impose a term of imprisonment within the guideline range. The government submits that such a sentence will satisfy the sentencing factors that the Court is to consider pursuant to Title 18, United States Code, Section 3553(a).

The defendant is required by 18 U.S.C. § 3013 to pay the sum of \$100 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

Pursuant to paragraph 4 of the plea agreement and Title 18, United States Code, Section 2259(b)(2), the Court must order restitution for the losses of the victims, but no less than \$3,000 per victim. As of the date of this filing, the government has received restitution requests from two victims. The government will provide those requests and any other requests that it receives prior to the sentencing date to the Court and defendant under separate cover.

It is requested that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit
U.S. Attorney's Office – WDNY

138 Delaware Avenue
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three (3) business days prior to sentencing.

DATED: Rochester, New York
November 29, 2021

TRINI E. ROSS
United States Attorney

BY: s/Meghan K. McGuire
Assistant U.S. Attorney
United States Attorney's Office
Western District of New York
100 State Street
Rochester, New York 14614
(585) 399-3922
Meghan.McGuire@usdoj.gov